

#81/56
(NE)

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Attorney Docket No.: 1416.25US01

Carlyle et al.

Application No.: 09/014,087

Examiner: P. Prebilio

Filed: January 27, 1998

Group Art Unit: 3738

For: PROSTHESIS WITH ASSOCIATED GROWTH FACTORS

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Office Action of May 10, 2002, please consider the following remarks.

REMARKS

Claims 1, 2, 4-11, 14, 15 and 21-29 are pending in the Application. All the pending claims stand rejected. Applicants respectfully request reconsideration of the rejected patents based upon the following comments.

Double Patenting

The Examiner provisionally rejected claims 1, 2, 4-6, 9-11, 14, and 21-29 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3, 4, 8-11, 13, 15, and 34-40 of copending Application No. 09/186,810. Applicants will consider filing a terminal disclaimer once the claims have been found otherwise patentable.

Rejections Under 35 U.S.C. §112, First Paragraph